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Attorneys for New Hampshire
Insurance Company
Our #'s X32-7306R and X32-7310R (DSS:lsw)

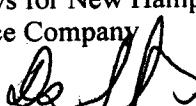
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT, NEW YORK

In the Matter of the Petition of : 12 Civ. 5838(BSJ)
Daniel Florio, as Owner of the :
Motor Yacht "CAROLE JAYE" for : NOTICE OF MOTION
Exoneration from or Limitation of Liability : TO DISMISS PETITION
: FOR LACK OF SUBJECT
: MATTER JURISDICTION
:
:
:

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, and all prior pleadings and proceedings herein, Claimant NEW HAMPSHIRE INSURANCE COMPANY (New Hampshire), as subrogee of FRANK TAUBNER and FLETCHER DUKE, by and through its attorneys, GWERTZMAN LEFKOWITZ BURMAN SMITH & MARCUS, will move before the Honorable Barbara S. Jones at the United States Courthouse, 500 Pearl Street, New York, New York, for an Order pursuant to Rule 12(b)(1) dismissing the Petition of DANIEL FLORIO, as Owner of the Motor Yacht "CAROLE JAYE", for Exoneration from or Limitation of Liability due to lack of subject matter jurisdiction, and for such other and further relief as this Court deems just and proper.

Dated: New York, New York
October 5, 2012

GWERTZMAN LEFKOWITZ
BURMAN SMITH & MARCUS
Attorneys for New Hampshire
Insurance Company

By: 
DAVID S. SMITH (DS-3745)
80 Broad Street – 16th Floor
New York, New York 10004
(212) 968-1001

CERTIFICATION OF SERVICE

I hereby certify that on October 5, 2012 a copy of the foregoing NOTICE OF MOTION was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing. Parties may access this filing through the Court's CM/ECF system.



David S. Smith

NOTICE OF ENTRY

12 Civ. 5838 (BSJ)

Sir:

Please take notice that the within is a true copy
of a
this day made and entered in the office of
the Clerk of
Dated, N.Y.,

Yours, etc.

GWERTZMAN LEFKOWITZ
BURMAN SMITH & MARCUS
Attorneys for

Office & Post Office Address
80 Broad Street
New York, New York 10004

To Esq.,

Attorney for

NOTICE OF SETTLEMENT

Sir:

Please take notice that the within
will be presented for settlement and
signature to the
Court at

on the day of
 at o'clock in the noon
 Yours, etc.

GWERTZMAN LEFKOWITZ
BURMAN SMITH & MARCUS
Attorneys for

Dated:

Signature:

Print Signer's Name _____

**STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:**

IN THE MATTER OF THE PETITION OF
DANIEL FLORIO, as Owner of the Motor
Yacht "CAROLE JAYE" for Exoneration
from or Limitation of Liability

NOTICE OF MOTION TO DISMISS
PETITION FOR LACK OF SUBJECT
MATTER JURISDICTION

being duly sworn deposes and says
that I am over 18 years of age and not
a party to the action herein. Residing
in , New York. On the day of , 20
deponent served the within

Upon

GWERTZMAN LEFKOWITZ
BURMAN SMITH & MARCUS
Attorneys for New Hampshire Insurance
Company

Office & Post Office Address

Company

Attorney for
in this action at

Due and timely service of a copy of the
Within is admitted

Dated, Attorney for

the address (es) designated by said
attorney(s) for that purpose by depositing
a true copy thereof enclosed in a postage
properly addressed wrapper in a Post
Office Box regularly maintained by the
United States Post Office Department
within the State of New York.

Sworn to before me
this day of , 20

Dated:
Signature:
Print Signer's Name _____

Office & Post Office Address
80 Broad Street
New York, New York 10004

To Esq.,